

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
Plaintiff,) C.A. No. 06-00086
v.)
Ohio Valley General Hospital,)
a Pennsylvania Corporation) Electronic Filing
Defendant.)

JOINT STATEMENT OF THE PARTIES

And Now come the parties to the above-captioned action, by their counsel, and respectfully advise the Court that they jointly agree with the suggestion raised by the currently assigned District Judge that reassignment of the case to another Judge may be appropriate and is acceptable to the parties and would avoid a remote potential appearance of a conflict of interest which might arise from the need to evaluate evidence from the Medicare fiscal intermediary in this case.

Signed:

MARY BETH BUCHANAN
United States Attorney
Western District of Pennsylvania

s/ Robert L. Eberhardt
ROBERT L. EBERHARDT
Assistant United States Attorney
PA ID No. 10325
U.S. Post Office and Courthouse
700 Grant Street
Suite 4000
Pittsburgh, PA 15219
(412) 894-7353
(412) 644-5870 (fax)

Counsel for Plaintiff
United States of America

s/ Mark A. Rush, Esquire
MARK A. RUSH
PA ID No. 49661

Mark A. Rush (PA I.D. No. 49661)
Curtis B. Krasik (PA I.D. No. 81150)
Andrew R. Stanton (PA I.D. No. 93409)

KIRKPATRICK & LOCKHART
NICHOLSON GRAHAM LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222-2312
(412) 355-6500 (telephone)
(412) 355-6501 (facsimile)

Counsel for Defendant
Ohio Valley General Hospital